

1 LAURENCE F. PULGRAM (CSB No. 115163)  
 2 lpulgram@fenwick.com  
 3 JENNIFER L. KELLY (CSB No. 193416)  
 4 jkelly@fenwick.com  
 5 CLIFFORD C. WEBB (CSB NO. 260885)  
 6 cwebb@fenwick.com  
 7 FENWICK & WEST LLP  
 8 555 California Street  
 San Francisco, CA 94104  
 Telephone: 415.875.2300  
 Facsimile: 415.281.1350

7 Attorneys for Plaintiff and Counterdefendant  
 NEXTDOOR.COM, INC. and Counterdefendant  
 8 PRAKASH JANAKIRAMAN

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 NEXTDOOR.COM, INC., a Delaware  
 14 corporation,

15 v.  
 Plaintiff,

16 RAJ ABHYANKER, an individual,

17 v.  
 Defendant.

20 RAJ ABHYANKER, an individual,

21 v.  
 Counterclaimant,

22 NEXTDOOR.COM, INC., a Delaware  
 23 corporation; PRAKASH JANAKIRAMAN, an  
 individual; BENCHMARK CAPITAL  
 24 PARTNERS, L.P., a Delaware limited  
 partnership; BENCHMARK CAPITAL  
 MANAGEMENT CO. LLC, a Delaware limited  
 liability company; SANDEEP SOOD, an  
 individual; MONSOON ENTERPRISES, INC., a  
 26 California corporation, and DOES 1-50,  
 inclusive,

28 v.  
 Counterdefendants.

Case No.: 3:12-cv-05667-EMC

**DECLARATION OF  
 JENNIFER L. KELLY IN SUPPORT  
 OF NEXTDOOR.COM, INC. AND  
 PRAKASH JANAKIRAMAN'S  
 REQUEST FOR JUDICIAL NOTICE**

Date: June 6, 2013  
 Time: 1:30 P.M.  
 Judge: Honorable Edward M. Chen

1 I, Jennifer L. Kelly, declare:

2 1. I am an attorney admitted to practice before this Court and am a partner in the law  
3 firm of Fenwick & West LLP, which represents Plaintiff and Counterdefendant Nextdoor.com,  
4 Inc. (“Nextdoor.com”) and Counterdefendant Prakash Janakiraman (“Janakiraman”) (collectively  
5 “Counterdefendants”) in this action. I submit this declaration in support of Counterdefendants’  
6 Request for Judicial Notice. I have personal knowledge of the matters set forth in this declaration  
7 and, if called upon to do so, could and would testify competently as to the matters set forth herein.

8 2. Attached to Counterdefendants’ Request for Judicial Notice as **Exhibit 1** is a true  
9 and correct copy of Counterclaimant Raj Abhyanker’s (“Abhyanker”) November 22, 2006 public  
10 patent application number 11/603,442 entitled Map Based Neighborhood Search and Community.  
11 The application is publicly available from the United States Patent and Trademark Office’s  
12 website, located at [www.uspto.gov](http://www.uspto.gov).

13 3. I was counsel of record for Nextdoor.com in California Superior Court (Santa  
14 Clara County), Case No. 1-11-cv-212924, entitled *Abhyanker v. Benchmark Capital Partners VII,*  
15 *L.P. et al.* (the “State Court Action”). Attached as **Exhibit 2** to Counterdefendants’ Request for  
16 Judicial Notice is a true and correct copy of the Complaint filed by Abhyanker on November 10,  
17 2011 in the State Court Action, which is publicly available from the California Superior Court.

18 4. Attached as **Exhibit 3** to Counterdefendants’ Request for Judicial Notice is a true  
19 and correct copy of the First Amended Complaint (“FAC”) filed by Abhyanker on December 6,  
20 2011 in the State Court Action, which is publicly available from the California Superior Court.

21 5. I was counsel of record for Nextdoor.com in United States Trademark Trial and  
22 Appeal Board Opposition Nos. 91203462 and 91203762 filed by Abhyanker. Attached as  
23 **Exhibit 4** to Counterdefendants’ Request for Judicial Notice is a true and correct copy of  
24 Abhyanker’s Notice of Opposition to Nextdoor.com’s application to register the NEXTDOOR  
25 mark filed in the United States Trademark Trial and Appeal Board on January 10, 2012,  
26 Opposition No. 91203462 (“First Opposition”), which is publicly available from the United States  
27 Trademark Trial and Appeal Board.

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

6. Attached as **Exhibit 5** to Counterdefendants' Request for Judicial Notice is a true and correct copy of Abhyanker's February 7, 2012 Request for Dismissal of the State Court Action, which is publicly available from the California Superior Court.

7. Attached as **Exhibit 6** to Counterdefendants' Request for Judicial Notice is a true and correct copy of Abhyanker's Notice of Opposition to Nextdoor.com's application to register the NEXTDOOR mark filed in the United States Trademark Trial and Appeal Board on February 9, 2012, Opposition No. 91203762 ("Second Opposition"), which is publicly available from the United States Trademark Trial and Appeal Board.

8. Attached as **Exhibit 7** to Counterdefendants' Request for Judicial Notice is a true and correct copy of a print out from Abhyanker's Scribd webpage publicly available at <http://www.scribd.com/rabhyanker/documents>. Exhibit 7 is an excerpt of the document hosted on that webpage entitled "Evidence, Benchmark Capital & Nextdoor.com, Inc. lawsuit exhibits – CounterClaims" and is an annotated excerpt of the patent application contained in Exhibit 1.

9. On September 10, 2012, the Trademark Trial and Appeal Board issued an order consolidating the First Opposition and Second Opposition into a single proceeding, with Opposition No. 91203462 being designated as the “parent” case. On November 6, 2012, the Trademark Trial and Appeal Board granted Nextdoor.com’s unopposed motion to suspend the proceedings pending the determination of this action, which Nextdoor.com instituted in this Court on November 5, 2012. A true and correct copy of this order is attached as **Exhibit 8** to Counterdefendants’ Request for Judicial Notice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 25, 2013, in San Francisco, California.

/s/ Jennifer L. Kelly  
Jennifer L. Kelly